

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VALERIE RANKIN and
LAURA WILLIAMS,

Plaintiffs,
vs.

DARRELL JULIAN and DARRELL
JULIAN CONSTRUCTION, INC.,

Defendants.

No. CIV 96-1655 PK/DJS

MEMORANDUM OPINION AND ORDER

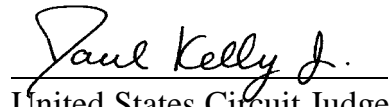
THIS MATTER came on for consideration of Plaintiffs' Motion In Limine for a Supplemental Jury Questionnaire filed March 27, 1998 (doc. 43). The request is concurred in by the Defendants.

This case involves allegations of hostile work environment sexual harassment. The supplemental jury questionnaire is designed to discover jurors' attitudes concerning sexual harassment and sexual assault. Plaintiffs argue that this information is needed so that the parties may adequately exercise cause and peremptory strikes. See 28 U.S.C. § 1870. They suggest that concerns about juror privacy and national pretrial publicity concerning sexual harassment favor such a questionnaire. The parties' right to a fair and impartial jury is apparent, however, the parties have provided no specific evidence that would suggest oral voir dire is inadequate to protect that right. See McDonough Power

Equipment Co. v. Greenwood, 464 U.S. 548, 554 (1984) (discussing voir dire); Smith v. Vicorp, Inc., 107 F.3d 816, 818 (10th Cir. 1997); see also Deghand v. Wal-Mart Stores, Inc., 980 F. Supp. 1176, 1178-79 (D. Kan. 1997). Moreover, the pretrial order allows the parties to submit proposed voir dire questions in advance of jury selection.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion In Limine for a Supplemental Jury Questionnaire filed March 27, 1998 (doc. 43), is denied.

DATED this 3rd day of April 1998, at Santa Fe, New Mexico.


United States Circuit Judge
Sitting by Designation

Counsel:

Kathryn Hammel, Cates & Hammel, P.C., Los Lunas, New Mexico, and Mark Rhodes & Hazen Hammel, Rhodes & Salmon, P.C., Albuquerque, New Mexico, for Plaintiffs.

Ray A. Padilla, Ray A. Padilla & Associates, P.A., Albuquerque, New Mexico for Defendants.